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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,168	12/20/2004	Vincent Jennings	81044893	5273

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EXAMINER

WEBB, TIFFANY LOUISE

ART UNIT	PAPER NUMBER
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3616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/519,168

Applicant(s)

JENNINGS ET AL.

Examiner

Tiffany L. Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/12/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).
2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a

separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Objections

3. Claim 1 objected to because of the following informalities: the examiner suggests clarifying "its" in line 7 of claim 1. It is not explicitly clear what "its" is referring to. Appropriate correction is required.
4. The examiner suggests changing the language of claims 21-23. In the claims a "recovery attachment" is referred to, but in the specification it is called a "recovery eye." The examiner suggests changing one or the other to obtain consistency in terminology.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 21-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is not clear from the specification what the scope of a "recovery eye" (or a "recovery attachment" as stated in the claims) entails. The specification vaguely describes the shape of the "attachment" but it is not clear of the purpose of such an element.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 19-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 19 and 20 are unclear. Claim 19 claims the side rails, cross members and secondary longitudinal members being welded together, then depending claim 20 claims them being bolted together. The examiner suggests clarifying. Also, in claims 19 and 20, the examiner suggests changing "secondary longitudinals" to "secondary longitudinal members."

Claim Rejections - 35 USC § 102

9. 4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3 and 13-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Novak et al. (US 6,193,273). Regarding claim 1, Novak et al. discloses a vehicle chassis including: two longitudinal side rails (78, 80) each having a central portion (see Figure 1) and a front portion (at about 16); a first cross member (40) extending in a transverse direction between the side rails and a second cross member (see Figure 1) extending in a transverse direction between the central portions of the side rails; two secondary longitudinal members (14) extending between the first cross member (40) and the second cross member (42, see Figure 1), and the secondary longitudinal

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members are each connected to the side rails by means of a central support section (12) which is longitudinally spaced between the first and second cross members, characterized in that the front portions are arranged in use to be higher than the central portions (see Figure 1) and the first cross member (40) extends between the front ends of the side rails and is arranged to be, in use, below the front ends of the side rails over a substantial part of its length (see Figure 1). Regarding claim 2, Novak et al. discloses the first cross member (40) is connected to the side rails (78, 80) by means of vertically extending front support sections (see Figure 1). Regarding claim 3, Novak et al. discloses having a secondary longitudinal member (14) connected to the first cross member lower than the front ends of the side rails (see Figure 1). Regarding claim 13, Novak et al. discloses the central support sections (12) provide support for a suspension mount (see Figure 2). Regarding claim 14, Novak et al. discloses each of the suspension mounts is positioned on the respective central support section (12) adjacent to one of the secondary longitudinal members (14) so that the secondary longitudinal member provides longitudinal support for the suspension mount (see Figures 1 and 2). Regarding claim 15, Novak et al. discloses the suspension mount being located at the lower end of the central support section (see Figures 1 and 2). Regarding claim 16, Novak et al. discloses the suspension mount (see Figure 2) being substantially level with the secondary longitudinal members (14, see Figure 1). Regarding claim 17, Novak et al. discloses the secondary longitudinal members are connected to the first cross member at points inboard of the side rails (see Figure 1). Regarding claim 18, Novak et al. discloses the side rails, cross members and secondary

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longitudinal members are bonded together to form a single rigid structure (see Figure 1).

11. Claims 1-8, 12, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kocer et al. (US 6,428,046). Regarding claim 1, Kocer et al. discloses a vehicle chassis including: two longitudinal side rails (16) each having a central portion (16a) and a front portion (16d); a first cross member (34) extending in a transverse direction between the side rails and a second cross member (20) extending in a transverse direction between the central portions of the side rails; two secondary longitudinal members (22) extending between the first cross member (34) and the second cross member (20), and the secondary longitudinal members are each connected to the side rails by means of a central support section (24) which is longitudinally spaced between the first and second cross members, characterized in that the front portions are arranged in use to be higher than the central portions (see Figure 2) and the first cross member (34) extends between the front ends of the side rails and is arranged to be, in use, below the front ends of the side rails over a substantial part of its length (see Figure 2). Regarding claim 2, Kocer et al. discloses the first cross member (34) is connected to the side rails (16) by means of vertically extending front support sections (26). Regarding claim 3/1 or 3/2, Kocer et al. discloses having a secondary longitudinal member (22) connected to the first cross member lower than the front ends of the side rails (see Figure 2). Regarding claim 4, Kocer et al. discloses the secondary longitudinal members have a front portion, which is inclined upwards towards the front (see Figure 5). Regarding claim 5, Kocer et al. discloses the

front portion of the secondary longitudinal members is to the front of the central support sections (see Figure 2). Regarding claim 6, Kocer et al. discloses the secondary longitudinal members including a rear portion that is substantially horizontal (see Figure 5). Regarding claim 7, Kocer et al. discloses the side rails each including an inclined portion between the central portion and the front portion and the rear portion of each of the secondary members is adjacent to one of the inclined portions (16d, see Figures 1-2). Regarding claim 8, Kocer et al. disclose that each secondary longitudinal member has a bend at the junction between the front and rear portions to encourage downward bending in the event of a frontal impact (see col. 4, lines 55-67). Regarding claim 12, Kocer et al. discloses the secondary longitudinal members are positioned below and inboard of the side rails (see Figures 2-3). Regarding claim 17, Kocer et al. discloses the secondary longitudinal members are connected to the first cross member at respective points inboard of the side rails (see Figure 3). Regarding claim 18, Kocer et al. discloses the side rails, cross members and secondary longitudinal members are bonded together to form a single rigid structure (see Figure 2). Regarding claim 19, Kocer et al. discloses the components are bonded together by welding (see col. 4, lines 35-42). Regarding claim 20, Kocer et al. discloses that some of the components are fastened together (see col. 4, lines 43-48).

12. Claims 1, 9-11, and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hine (US 6,099,039). Regarding claims 1, 9, 10, and 24, Hine discloses having a vehicle chassis including: two longitudinal side rails (34 and 36), each having a front end, a front portion, and a central portion (see Figure 8); a first cross member (38

or 51) extending in a transverse direction between the front ends of the side rails and arranged to be below the front ends; a second cross member (32) between the central portions of the side rails; two secondary longitudinal members (47-50, see Figures 8-9) extending between the first cross member and the second cross member; two central support sections; and a third cross member (52) extending in a transverse direction between the secondary longitudinal members at a position spaced between the first and second cross members, the third cross members being level, in the longitudinal direction with the central support sections (see Figures 1-2). Regarding claims 11 and 25, Hine discloses comprising two mountings to suspension struts each being connected to the frame (see col. 5, line 55-col. 6, line 4). Regarding claim 26, Hine discloses the secondary longitudinal members are positioned below and inboard of the side rails (see Figures 1-2 and 8-9).

Conclusion

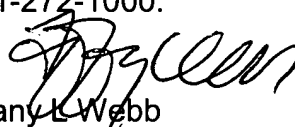
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are vehicle frames: Fejes (US 1,619,609), Purdy (US 2,856, 226), Benedyk (US 5,458,393), Yamaguchi (US 6,808,229), Cornell et al. (US 6,938,948), Grimm et al. (US 2003/0178834).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany L. Webb whose telephone number is 571-272-2797. The examiner can normally be reached on 8-4:30 M-F.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Tiffany L Webb
Examiner
Art Unit 3616

tlw

 2/28/07
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